

## T. Michael Wall

### Partner/Retired

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Houston

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Mike is a partner and trial lawyer in Foley & Lardner LLP's Houston office. He has been lead counsel for plaintiffs and defendants in high-stakes litigation throughout Texas and the United States for multi-national and domestic organizations as well as individuals. He focuses his practice on complex business, commercial and other cases. His trial experience includes trying cases as lead and co-counsel in state and federal courts, jury trials, bench trials, and arbitrations. He also has substantial appellate experience in state and federal courts of appeal. Mike is a hands-on trial lawyer. He understands that the ultimate success of a case largely depends on quickly mastering its factual details and thoroughly preparing it for trial.

Mike has represented clients in a broad range of industries and sectors, including chemical manufacturing, pipelines and mid-stream, underground salt dome storage caverns, oilfield services and drilling, chemical plant services, manufacturing (e.g., large diameter line pipe, engineered valves, PVC, and landfill containment liners), distribution, energy, real estate, telecommunications, computers and software, financial services and lending, asset recovery, legal services, music and entertainment.

With over four decades of trial, arbitration, and appellate experience, Mike has led and participated in nearly every type dispute a business is likely to encounter including complex disputes involving contracts (e.g., commercial, UCC, construction, purchase and sale, bulk supply, non-compete, real estate, and lending); construction; real estate (e.g. purchase and sale agreements, rights of first refusal, deeds of trust, lien foreclosures, environmental contamination, trespass, equitable liens, and net profits disputes); indemnification; trade secrets; ownership, shareholder, partnership and management claims; shareholder oppression; directors and officers liability claims; post-closing adjustments and claims; fraud and RICO actions; breach of fiduciary duty; lender liability; environmental; toxic tort and claims that occupational exposure to chemicals caused cancers and other diseases; toxic mold claims; insurance coverage; patent infringement; parallel civil and criminal proceedings; catastrophic injuries and claims for wrongful death; stalking and harassment; financial losses; internal investigations; property damage; lost profits; and market

value disputes.

Often, Mike's cases involve technical subject matter and experts and have included metallurgy, chemistry, epidemiology, engineering, software integration, chemical plant and other facility operations, oil and gas drilling, and salt dome cavern drilling. Mike also has been retained and testified as an expert on attorneys' fees, and he has been retained as an expert on legal malpractice. As part of Mike's broad experience, he has also tried cases involving patent infringement, contempt of court, false imprisonment, a criminal case charging felony burglary, and a will contest. He was also lead counsel for the Federal Savings and Loan Insurance Corporation (FSLIC) in the take-down of Empire Savings and Loan Association involving over \$300 million in assets and participated in many other take-downs.

Mike taught trial tactics for 17 years through programs sponsored by the University of Houston Law Center (1981-1994, 1996, 1997, 1999) and was an Adjunct Professor, Basic Trial Advocacy Course, University of Houston School of Law (1990, 1991) at the Law Center.

Mike currently serves as the Professional Responsibility Partner for the Houston and Denver offices.

Before joining Foley, Mike was a partner in two law firms in Houston. At Gardere Wynne Sewell LLP, he served as a member of the Partners' Board, chair of the compensation committee, founder and chair of the Chemical and Refining Industry Team, and as a litigation practice team leader. At Hutcheson & Grundy LLP, he served as chair of the compensation committee and as the department chair of the litigation section. At both firms, he served on numerous other committees and in leadership positions.

## **Representative Experience**

- Over forty jury trials, bench trials, arbitrations, or contested evidentiary hearings in state and federal court and arbitrations.
- Sixteen appeals in state and federal courts.
- Represented pipeline operators in an international arbitration proceeding involving allegations that large steel pipe did not meet required specifications. Amount involved exceeded \$200 million.
- Obtained a favorable settlement for the defendant in a patent infringement case involving over \$200 million in claimed damages.
- Obtained agreed judgment against the owner of a failed savings and loan in Dallas for \$100 million.
- \$77 million personal injury case. Commenced a jury trial of a claim involving catastrophic burns due to a drilling rig blow out. Case settled favorably after three days of trial.
- \$50 million partnership case. Tried a twenty-seven day bench trial in a case involving dispute between partners over termination rights and breach of fiduciary duty.
- \$45 million patent infringement case. Tried to a jury verdict a patent infringement case involving a claim that exceeded \$45 million.
- \$30 million recovery. Obtained settlement permitting foreclosure of loans involving over \$30 million on condominium projects located in the I-30 corridor in Dallas.

- \$15 million claim defeated. Defended a claim asserted by a minority shareholder for a 50% interest in a valve manufacturing business. Allegations included alleged shareholder oppression, usurpation of corporate opportunities, and fraudulent acts.
- \$12 million claim defeated. Won a jury verdict for a chemical manufacturer on fraud, duress, breach of a lending agreement, and punitive damages claims.
- \$7 million claim defeated. Won a summary judgment for an equipment manufacturer/service provider on a claim that fraud induced a hospital to contract for elevator maintenance which was alleged to have led to the death of a person entering an elevator. Also won the appeal in the Court of Appeals and Texas Supreme Court.
- \$7 million claim – toxic tort. Defended claim for over \$7 million for death due to alleged occupational exposure to chemicals. Case settled on the client's terms.
- \$6 million recovery. Successfully recovered \$6 million from former directors and officers of a failed Texas savings and loan for negligence.
- \$1.5 million recovery. Successfully recovered \$1.5 million for damages caused by underground water pollution.
- \$1 million claim defeated. Won a jury verdict for a law firm on breach of fiduciary duty claim. Amount claimed exceeded \$1 million.

## Appellate Opinions

- *Cooper Valves LLC and Hoeffner v. ValvTechnologies, Inc.*; 531 S.W.3d 254 (Tex. App.-Houston [14th] 2017, no pet.) (Briefed and argued)
- *Christus v. KONE*, 2009 WL 2496988 (Tex. App.—Houston [14th Dist.] 2009) (Briefed and argued)
- *PMC Film Canada, Inc. v. Shintech Inc.*, 2008 WL 442393 (3rd Cir. (N.J. 2008), reversing 2006 WL 2711474 (D. New Jersey 2006) (Briefed and argued)
- *Poly-America, LP v. GSE Lining Technology, Inc.*; 383 F.3d 1303 (Fed. Cir. 2004) (On the brief)
- *Rapp v. Mandell & Wright, PC*, 127 SW3d 888 (Tex. App.-Corpus Christi (2004) (Briefed and argued)
- *Rapp v. Mandell & Wright, PC*, 123 SW3d 431 (Tex. App.-Houston [14th] 2003) (Briefed and argued)
- *American Network Leasing Corp. and Electronic Data Systems Corp. v. Corporate Funding Houston, Inc.*; No. 01-00-00789-CV; *Court of Appeals for the First District of Texas* (Oct. 10, 2002, not published) (Co-Counsel on brief)
- *Ichiban Records, Inc. v. Rap-A-Lot Records, Inc.*, 933 S.W.2d 546 (Tex. App.—Houston [1st Dist.] 1996, no writ) (Briefed and argued)
- *Landry's Seafood Inn & Oyster Bar-Kemah, Inc. v. Wiggins*, 919 S.W.2d 924 (Tex. App.—Houston [14th Dist.] 1996, no writ) (Briefed)
- *French v. Chevron, U.S.A., Inc.*, 896 S.W.2d 795 (Tex. 1995), affirming, 871 S.W.2d 276 (Tex. App.—El Paso 1994), 134 Oil & Gas Reporter 14 (On the brief)
- *Meridian Oil Production, Inc. v. Hartford Acc. & Indemnity Co.*, 27 F.3d 150 (5th Cir. 1994), 39 ERC 1286, 130 Oil & Gas Reporter 387 (Co-counsel on brief)
- *United States Fire Ins. Co. v. Federal Deposit Ins. Corp.*, 981 F.2d 850 (5th Cir. 1993) (Briefed and argued)

- *Federal Savings & Loan Ins. Corp. v. Glen Ridge I Condominiums, Ltd.*, 734 S.W.2d 734 (Tex. App.—Dallas 1987) (Briefed and argued the appeal, my law partner argued the panel rehearing), writ denied, 750 S.W.2d 757 (Tex. 1988); cert. denied, 490 U. S. 1004, 109 S. Ct. 1637 (1989) (government attorneys on the brief)
- *Federal Savings & Loan Ins. Corp. v. Blain*, 808 F.2d 395 (5th Cir. 1987) (Briefed and argued)
- *Chupik Corp. v. Federal Savings & Loan Ins. Corp.*, 790 F.2d 1269 (5th Cir. 1986) (On the brief)
- *Cain Motor Lines, Inc. v. Lozano; No. 17933; Tex. Civ. App. Houston [1st] May 28, 1981* (reversing trial court default judgment) (not published) (Briefed)

## Awards and Recognition

Mike has been recognized nationally and locally by his fellow lawyers and others including:

- American Board of Trial Advocates (ABOTA). Mike was inducted into this invitation-only Board of trial attorneys and judges. Members are judged for, among other things, a high degree of trial experience, civility, integrity and professionalism.
- Selected by his peers for inclusion in *The Best Lawyers in America*© in the field of Commercial Litigation (2016-2022).
- Peer review rated as AV Preeminent®, the highest performance rating in the Martindale-Hubbell® Peer Review Ratings™ system.
- Texas Super Lawyers®, a Thomson Reuters business, as published in *Texas Super Lawyers Magazine*. Recognized – Business Litigation (2003, 2012, 2017-2021).
- *H Texas Magazine*, Houston's Top Lawyers. Recognized – Commercial Litigation (2007-2012).
- Texas Bar Foundation, Life Fellow (2003-present).
- Texas Bar Foundation, Fellow, (1991-2002) (“Each year, the top 1/3 of 1% of Texas attorneys are invited to become Fellows of the Texas Bar Foundation.” Texas Bar Foundation Website).
- Recipient, Thomas Award, Southern Methodist University Dedman School of Law (distinguished service award).

## Affiliations

- Member, State Bar of Texas
  - Litigation and construction law
- Member, Houston Bar Association
  - Litigation and construction law
- Member, College of the State Bar of Texas (1991-1996, 1999, 2017-2020)
- Master, A. A. White American Inn of Court (1998-2003)

## Community Involvement

- Military, Texas National Guard and Army Reserves, Medic (1972-1978)
- Finance Council, St. Thomas More Catholic Mission (Chair 2018-P, Member 2016-2020)
- Liaison, Association of Corporate Counsel – Houston Chapter (2004-2016)

- Pro bono counsel, Normangee Volunteer Fire Department (2011-2019)
- President and director, Harris County Municipal Utility District No. 194 (former)
- Director, Bernard Aptaker Foundation (2002-2006)
- Director, Texas Historical Foundation (2001-2005)

## Education

- Southern Methodist University Dedman School of Law (J.D., 1978)
- The University of Texas at Austin (B.A., with honors, 1975)
  - Psychology

## Admissions

- State Bar of Texas (1978) (All Texas Courts)
- U.S. District Court for the Eastern, Northern, Southern and Western Districts of Texas
- U.S. Court of Appeals for the Federal Circuit (2004)
- U.S. Court of Appeals for the Third and Fifth Circuits
- U.S. Supreme Court (1990)
- U.S. District Court for the Eastern District of Michigan
- Pro Hac Vice Admissions in Federal or State Courts in New York, Illinois, Louisiana, Delaware, Pennsylvania, Massachusetts, New Jersey, and Maryland. Mike also appeared and argued before an international arbitration panel in Singapore.